REASONS

Of the present judgement of

the *University* of

OXFORD,

CONCERNING

The Solemne League and Covenant.
The Negative Oath.
The Ordinances concerning Discipline and Worship.

Approved by generall consent in a full Convocation, 1. *Jun.* 1647.

AND

Presented to CONSIDERATION.

BIBLIOTHECA LAMBETHANA

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Robert Sanderson.

A Solemne League and Covenant, for Reformation, and defence of Religion, the honour and happineſſe of the King, and the Peace and Safety of the three Kingdomes, *England*, *Scotland*, and *Ireland*.

WE *Noblemen, Barons, Knights, Gentlemen, Cittizens, Burgeſſes, Miniſters of the Goſpell, and Commons of all ſorts in the Kingdoms of* England, Scotland, *and* Ireland, *by the Providence of God living under one King, and being of one Reformed Religion, having before our eyes the glory of God, and the advancement of the Kingdome of our Lord and Saviour Ieſus Chriſt, the honour and happineſſe of the Kings Majeſtie, and His Poſterity, and the true publick Libertie, ſafety, and Peace of the Kingdoms wherein every ones private condition is included, and calling to mind the treacherous and bloudy plots, Conſpiracies, Attempts, and practices of the Enemies of God againſt the true Religion, and Profeſſors thereof in all places, eſpecially in theſe three Kingdomes, ever ſince the Reformation of Religion, and how much their rage, power, and preſumption are of late, and at this time increaſed and exerciſed; whereof the deplorable eſtate of the Church & Kingdom of* Ireland, *the diſtreſſed eſtate of the Church and Kingdome of* England, *and the dangerous eſtate of the Church and Kingdome of* Scotland, *are preſent and publick Teſtimonies; We have now at laſt, (after other meanes of ſupplication, Remonſtrance, Proteſtations, and ſufferings) for the preſervation of our ſelves and our Religion from utter ruine and deſtruction, according to the commendable practice of theſe Kingdomes in former times, and the example of Gods People in other Nations; after mature deliberation reſolved and determined to enter into a mutuall and ſolemne League and Covenant, wherein we all ſubſcribe, and each one of us for himſelfe with our hands lifted up to the moſt high God, do ſwear:*

I.

THat we ſhall ſincerely, really, and conſtantly, through the Grace of God, endeavour in our ſeverall places and callings, the preſervation of the Reformed Religion in the Church of *Scotland*, in Doctrine, Worſhip, Diſcipline and Government, againſt our common Enemies; The Reformation of Religion in the Kingdoms of *England* and *Ireland* in Doctrine, Worſhip, Diſcipline and Government, according to the Word of God, and the example of the beſt reformed Churches: And ſhall endeavour to bring the Churches of God in the three Kingdomes, to the neareſt conjunction and uniformity in Religion, Confeſſion of Faith, Form of Church Government, Directory for Worſhip and Catechizing, That we and our poſterity after us may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midſt of us.

II.

That we ſhall in like manner, without reſpect of perſons, endeavour the extirpation of Popery, Prelacy, (that is, Church Government by Archbiſhops, Biſhops, their Chancellours and Commiſſaries, Deans, Deans and Chapters, Archdeacons, and all other Eccleſiaſticall Officers depending on that Hierarchy) Superſtition, Hereſy, Schiſme, Profaneneſſe, and whatſoever ſhall be found to be contrary to ſound Doctrine, and the power of Godlineſſe; leſt we partake in other mens ſinnes, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one in the three Kingdomes.

III.

We ſhall with the ſame ſincerity, reality and conſtancy, in our ſeverall Vocations, endeavour with our eſtates and lives, mutually to preſerve the Rights and Priviledges of the Parliaments, and the Liberties of the Kingdomes, and to preſerve and defend the Kings Majeſties perſon and authority, in the preſervation and defence of the true Religion, and Liberties of the Kingdomes; that the world may bear witneſſe with our conſciences of our Loyalty, and that we have no thoughts or intentions to diminiſh His Majeſties juſt power and greatneſſe.

We

IIII.

We shall also with all faithfulnesse endeavour the discovery of all such as have been, or shall be Incendiaries, Malignants, or evill Instruments, by hindring the Reformation of Religion, dividing the King from his people, or one of the Kingdomes from another, or making any faction or parties amongst the people, contrary to this League and Covenant, that they may be brought to publick triall, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supream Judicatories of both Kingdomes respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happinesse of a blessed Peace between these Kingdomes, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath beene lately concluded, and setled by both Parliaments, we shall each one of us, according to our place and interest endeavour that they may remaine conjoyned in a firme Peace and Vnion to all posterity; And that justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent Articles.

VI.

We shall also according to our places and callings in this common cause of Religion, Liberty and Peace of the Kingdomes, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof, and shall not suffer our selves directly or indirectly by whatsoever combination, perswasion or terrour to be divided and withdrawn from this blessed Vnion and Conjunction, whether to make defection to the contrary part, or to give our selves to a detestable indifferencie or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdoms and the honour of the King; but shall all the daies of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever; and what we are not able our selves to suppresse or overcome, we shall

reveal and make known, that it may be timely prevented or removed; All which we ſhall doe as in the ſight of God.

And becauſe theſe Kingdoms are guilty of many ſinnes and provocations againſt God, and his Son Ieſus Chriſt, as is too manifeſt by our preſent diſtreſſes and dangers the fruits thereof; We profeſſe and declare before God and the world, our unfained deſire to be humbled for our own ſins, and for the ſins of theſe Kingdoms, eſpecially that we have not as we ought, valued the ineſtimable benefit of the Goſpell, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Chriſt in our hearts, nor to walke worthy of him in our lives, which are the cauſes of other ſinnes and tranſgreſſions ſo much abounding amongſt us; And our true and unfained purpoſe, deſire, and endeavour for our ſelves, and all others under our power and charge, both in publick and in private, in all duties we owe to God and man, to amend our lives, and each one to goe before another in the example of a reall Reformation, that the Lord may turn away his wrath and heavy indignation, and eſtabliſh theſe Churches and Kingdoms in truth and peace. And this Covenant we make in the preſence of Almighty God the ſearcher of all hearts, with a true intention to performe the ſame, as we ſhall anſwer at that great day, when the ſecrets of all hearts ſhall be diſcloſed. Moſt humbly beſeeching the Lord to ſtrengthen us by his holy Spirit for this end, and to bleſſe our deſires and proceedings with ſuch ſucceſſe, as may be deliverance and ſafety to his people, & encouragement to other Chriſtian Churches groaning under, or in danger of the yoke of Antichriſtian tyrannie; to joyn in the ſame, or like Aſſociation and Covenant, to the glory of God, the enlargement of the Kingdome of Ieſus Chriſt, and the peace and tranquillity of Chriſtian Kingdoms and Common-wealths.

The

The Negative Oath.

I A. B. *Doe ſweare from my heart, that I will not directly, nor indirectly, adhere unto, or willingly aſſiſt the King in this Warre, or in this Cauſe, againſt the Parliament, nor any Forces raiſed without the conſent of the two Houſes of Parliament, in this Cauſe or Warre: And I doe likewiſe ſweare, that my comming and ſubmitting my ſelfe under the Power and Protection of the Parliament, is without any manner of Deſigne whatſoever, to the prejudice of the proceedings of this preſent Parliament, and without the direction, privity, or advice of the King or any of his Councell, or Officers, other then what I have now made knowne. So helpe me God, and the contents of this Booke.*

Rea-

Reaſons why the Univerſity of Oxford *cannot ſubmit to the Covenant, the Negative Oath, the Ordinance concerning Diſcipline and Directory, mentioned in the late Ordinance of Parliament for the Viſitation of that place.*

WHereas by an Ordinance of the Lords & Commons Aſſembled in Parliament, for the Viſitation & Reformation of the Vniverſity of *Oxford* lately publiſhed, power is given to certain perſons therein named as *Viſitors*, to enquier concerning thoſe of the ſaid Vniverſity that neglect to take *the Solemne League and Covenant*, and the *Negative Oath* being tendred unto them, and likewiſe concerning thoſe that oppoſe the execution of the Ordinances of Parliament concerning *the Diſcipline and Directory*, or ſhall not promote or cauſe the ſame to be put in execution according to their ſeverall places and callings, We the Maſters, Schollars, and other Officers and Members of the ſaid Vniverſity, not to judge the Conſciences of others, but to clear our ſelves before God and the world from all ſuſpicion of Obſtinacie, whilſt we diſcharge our own, preſent to conſideration the true reaſons of our preſent judgment concerning the ſaid *Covenant*, *Oath*, and *Ordinances*: Expecting ſo much *Juſtice*, and hoping for ſo much *Charity*, as either not to be preſſed to conforme to what is required in any the premiſſes, further then our preſent judgements will warrant us; or not condemned for refuſing ſo to do, without cleare and reall ſatisfaction given to our juſt ſcruples.

Sect. I.
Of the Preface to the Covenant.

THe exceptions against the Introductory Preface to the Covenant although we insist not much upon, because it may be said to be no part of the Covenant: yet among the things therein contained, the acknowledgment whereof is implicitely required of every Covenanter.

1. We are not able to say, *that the rage, power, and presumption of the enemies of God* (in the sense there intended) *is at this time increased.*
2. Nor can truly affirm, that we had used or given consent to any *Supplication* or *Remonstrance* to the purposes therein expressed.
3. Nor do we conceive the entring into such a mutuall League and Covenant, to be a lawfull, proper, and probable meanes to *preserve our selves and our Religion from Ruine and destruction.*
4. Nor can believe the same to be *according to the commendable practice of these Kingdomes, or the example of Gods people in other Nations.* When we find not the least foot-step in our Histories of a sworne Covenant ever entred into by the people of this Kingdome upon any occasion whatsoever; nor can readily remember any commendable example of the like done in any other Nation: but are rather told by the defenders of this (a) Covenant, that *the World never saw the like before.*

(a) *Such an Oath, as for matter, persons, and other Circumstances, the like hath not been in any age or Oath we read of in sacred or humane stories.* M. *Nye*, Covenant with Narrative, Pag. 12.

Sect. 2.
Of the Covenant in grosse.

FIrst, we are not satisfied, how we can submit to the taking thereof, as it is now imposed under a penalty.

1. Such imposition (to our seeming) being repugnant to the nature

nature of a Covenant: which being a Contract implyeth a (a) *voluntary mutuall consent* of the Contractors, whereunto men are to be induced by perswasions, not compelled by power. In so much that the very words of this Covenant in the Preface, Conclusion, and whole Frame thereof runne in such a forme throughout, as import a consent rather grounded upon prudentiall motives, then extorted by Rigour.

(a) *Pactum est duorum pluriumve in idem placitum consensus*, L. 1. ff. de Pactis.

2. Without betraying the Liberty, which by our Protestation we are bound, and in the third Article of this Covenant must sweare, *with our lives and fortunes to preserve.* To which Liberty the imposition of a new Oath, other then is established by Act of Parliament, is expressed in *the* (b) *Petition of Right*, & by the Lords and Commons in their (c) *Declarations* acknowledged to be contrary.

(b) *Whereas many of thē have had an oath administred unto them not warrantable by the Lawes and Statutes of this Realm, They do humbly pray that no man hereafter be compelled to take such an oath, --- All which they most humbly pray --- as their Rights and Liberties according to the Lawes and Statutes of this Realm.* Petit. of Right, 3. Carol. (c) It is Declared 16. *Jan.* 1642. That the King cannot *compell men to be sworn without an Act of Parliament.* Exact Collect. pag. 859. 860.

3. Without acknowledgeing in the imposers, a greater power then, for ought that appeareth to us, hath been in former time challenged; Or can consist with our former Protestation (if we rightly understand it) in sundry the most materiall branches thereof.

Neither, secondly, are we satisfied; although the Covenant should not be imposed on us at all, but only recommended to us, and then left to our choice;

1. How we should in wisedome and Duty (being Subjects) of our own accord and free will enter into a Covenant, wherein He, whose Subjects we are, is in any wise concerned, without His consent, either expressed or reasonably presumed. It being in his power (as we conceive) by the equity of the Law, *Numb.* 30. to annull and make voyd the same at his pleasure,

2. How we can (now that His Majesty hath by His publique (d) *Interdict* sufficiently made known His pleasure in that behalfe) enter into a Covenant, the taking whereof he hath expresly forbidden; without forfeiting that Obedience, which (as we are perswaded) by our natural Allegiance and former Oathes we owe unto all such His Majesties Commands, as are not in our apprehensions repugnant to the will of God, or the positive Lawes of this Kingdom.

(d) *Proclam. of 9. Octob. 19. Car.*

§. III.

Of the first Article of the Covenant.

1. WHerein, first, we are not satisfied, how we can with judgment swear to endeavour to preserve the Religion of another Kingdome;

1. Whereof, as it doth not concern us to have very much, so we professe to have very little understanding:

2. Which (so farre as the occurrents of these unhappy times have brought it to our knowledge, and we are able to judge) is in three of the foure specified particulars, *viz. Worship, Discipline, and Government*, much worse; and in the fourth (that of *Doctrine*) not at all better then our own; which we are in the next passage of the Article required to reform.

3. Wherein if hereafter we shall find any thing (as upon farther understanding thereof it is not impossible we may) that may seem to us savouring of *Popery*, *Superstition*, *Heresie*, or *Schisme*, or *contrary to sound doctrine*, or *the power of godlinesse*; we shall be bound by the next Article to endeavour the extirpation, after we have bound our selves by this first Article to the preservation thereof.

4. Wherein we already find some things (to our thinking) so farre tending towards (a) *Superstition* and (b) *Schisme*, that it seemeth to us more reasonable that we should call

(a) viz. *In accounting Bishops Antichristian, and indifferent Ceremonies unlawfull,* (b) viz. *in making their discipline and government a marke of the true Church, and the setting up thereof the erecting of the throne of Christ.*

upon

upon them to reform the ſame, then that they ſhould call upon us to preſerve it.

Secondly, we are not ſatisfied in the next branch, concerning the Reformation of Religion in our own Kingdome, in *Doctrine*, *worſhip*, *Diſcipline*, and *Government*; How we can ſwear to endeavour the ſame, which (without making a change therein) cannot be done, 2.

1. Without *manifeſt ſcandall to the Papiſt and Separatiſt*,

1. By yeelding the cauſe, which our godly Biſhops and Martyrs, and all our learned Divines ever ſince the Reformation have both by their writings and ſufferings maintained; who have juſtified, againſt them both, the Religion eſtabliſhed in the Church of *England* to be agreeable to the word of God.

2. By juſtifying the Papiſts in the reproaches and ſcorne by them caſt upon our Religion, whoſe uſuall objection it hath been and is, that we know not what our Religion is; that ſince we left them, we cannot tell where to ſtay; and that our Religion is *a* (c) *Parliamentary Religion*.

(c) *Let us not be blamed if we call it Parliament Religion, Parliament Goſpel, Parliament Faith.* Harding Confut. of Apology part 6. Cap. 2.

3. By a tacite acknowledgment that there is ſomething both in the doctrine and worſhip, whereunto their conformity hath been required, not agreeable to the Word of God; and conſequently juſtifying them both, the one in his Recuſancy, the other in his Separation.

4. By an implied Confeſſion, that the Lawes formerly made againſt Papiſts in this Kingdome, and all puniſhments by virtue thereof inflicted upon them, were unjuſt; in puniſhing them for refuſing to joyne with us in that forme of Worſhip, which our ſelves (as well as they) doe not approve of.

2. Without *manifeſt wrong unto our ſelves*, our Conſciences, Reputation and Eſtates; in bearing falſe witneſſe againſt our ſelves, and ſundry other wayes by ſwearing to endeavour to reforme that, as corrupt and vitious,

1. Which we have formerly by our Perſonall Subſcriptions approved, as agreeable to Gods Word: and have not been ſince either condemned by our owne hearts for ſo doing, or convinced in our judgments by any of our Brethren that therein we did amiſſe.

2. Which in our Conſciences we are perſwaded, not to be in any of the four ſpecified particulars, (as it ſtandeth by Law eſtabliſhed) much leſſe in the whole foure, againſt the Word of God.

3. Which we verily beleive (and, as we think upon good grounds) to be in ſundry reſpects much better and more agreeable to the Word of God, and the practice of the Catholique Church, then that which we ſhould by the former words of this Article ſweare to preſerve.

(d) *Stat.* 13. *Eliz.* 12. 4. Whereunto the (d) Laws yet in force require of all ſuch Clerks as ſhall be admitted to any Benefice, the ſignification of their hearty aſſent, to be atteſted openly in the time of Divine Service before the whole congregation there preſent, within a limited time, and that under paine (upon default made) of the loſſe of every ſuch Benefice.

3. Without *manifeſt danger of Perjury*: This branch of the Article (to our beſt underſtandings) ſeeming directly contrary

1. To our former ſolemne Proteſtation, which we have bound our ſelves neither for hope, feare, or other reſpect ever to relinquiſh. Wherein the Doctrine which we have vowed to maintain, by the name of the *True Proteſtant Religion, expreſſed in the Doctrine of the Church of England*, we take to be the ſame which now we are required to endeavour to reform and alter.

2. To the Oath of Supremacy, by us alſo taken, according to the Lawes of the Realm, and the Statutes of our Vniverſity in that behalfe. Wherein having firſt teſtified and Declared in our Conſciences, that the *Kings Highneſſe is the only ſupreme Governour of this Realme*, we do after ſwear *to our power to aſſiſt and defend all Juriſdictions, Priviledges, Prehemineuces, and Authorities granted or belonging to the Kings Highneſſe, His Heirs, and Succeſſors, or united and annexed to*

the

the Imperial Crown of this Realm. One of which Priviledges and Preheminences, by an expresse Statute so annexed, and that even *in terminis*, in the self-same words in a manner with those used in the Oath, is the whole power of Spirituall or Ecclesiasticall Jurisdiction, for the correction and reformation of all manner of errors and abuses *in matters Ecclesiasticall*: as by the (e) words of the said Statute more at large appeareth. The Oath affording the *Proposition*, and the Statute the *Assumption*, we find no way how to avoid the *Conclusion*.

(e) *Such Jurisdictions, priviledges, superiorities and preheminences Spirituall and Ecclesiasticall, as by any &c. for the Visitation of the Ecclesiasticall State and Persons, and for reformation, order and correction of the same, and of all manner of errors, heresies schisms, abuses, offences, contempts and enormities, shall for ever by authority of this present Parliament be united and annexed to the Imperiall Crown of this Realm:* An Act restoring to the Crown the ancient Iurisdiction, &c. 1. Elizab. 1.

§. IV.

Of the Second Article of the Covenant

FIrst, it cannot but affect us with some greife and Amazement, to see that ancient form of Church-Goverument, which we heartily (and, as we hope, worthily) honour; as under which our Religion was at first so orderly, without violence or tumult, and so happily, reformed; and hath since so long flourished with Truth and Peace, to the honour and happinesse of our owne, and the envy and admiration of other Nations, not only

1. Endeavoured to be extirpated; without any reason offered to our understandings, for which it should be thought necessary, or but so much as expedient so to doe. But also
2. Ranked with *Popery*, *Superstition*, *Heresie*, *Schism* and *Prophanesse*; which we unfainedly professe our selves to detest as much as any others whatsoever.
3. And that with some intimation also, as if that Government were some way or other so *contrary to sound doctrine*, *or the power of Godlinesse*, that whosoever should not endeavour the

the extirpation thereof must of neceſſity *partake in other mens ſins*, which we cannot yet be perſwaded to believe.

4. And we deſire it may be conſidered, in caſe a Covenant of like forme ſhould be tender'd to the Citizens of *London*, wherein they ſhould be required to ſweare, they would ſincerely, really and conſtantly without reſpect of perſons, endeavour the extirpation of *Treaſon, the City Government* (by a Lord Major, Aldermen, Sheriffes, Common-Councell and other officers depending thereon) *Murther, Adultery, Theft, Coſenage, and whatſoever ſhall be*,—&c. *leſt they ſhould partake in other mens ſinnes*; whether ſuch a tendry could be looked upon by any Citizen, that had the leaſt ſpirit of freedome in him, as an act of Iuſtice, Meekneſſe and Reaſon?

3. Secondly, for Epiſcopall Government; we are not ſatisfied how we can with a good Conſcience ſweare to endeavour the extirpation thereof, 1. in *reſpect of the thing it ſelfe*. Concerning whichgovernment

1. wee think wee have reaſon to believe,

1. That it is (if not *Jure divino* in the ſtricteſt ſenſe, that is to ſay expreſſely commanded by God in his Word, yet) of *Apoſtolicall Inſtitution*, that is to ſay, was eſtabliſhed in the Churches by the Apoſtles, according to the mind and after the example of their Maſter *Jeſus Chriſt*, and that by virtue of their ordinary power and authority derived from him, as deputed by him Governors of his Church.

2. Or at leaſt, that *Epiſcopal Ariſtocracy* hath a fairer pretenſion, and may lay a juſter title and claim to a divine inſtitution then any of the other forms of Church-Government can do; all which yet do pretend thereunto, *viz.* that of the *Papall Monarchy*, that of the *Presbyterian Democracy*, and that of the *Independents* by particular Congregations, or Gathered Churches.

2. But we are aſſured by the undoubted teſtimony of Ancient Records and later Hiſtories, that this forme of Government hath been continued with ſuch an Vniverſall, Vninterrupted, Vnqueſtioned ſucceſſion in all the Churches of God, and in all Kingdoms that have been called Chriſtian throughout the whole world

world for fifteen hundred years together; that there never was in all that time any considerable opposition made there against, That of *Aërius* was the greatest, wherein yet there was little of consideration, beside these two things: that it grew at the first but out of discontent; and gained him at the last but the reputation of an Heretique. From which Antiquity and continuance, we have just cause to feare, that to endeavour the extirpation thereof,

1. Would give such advantage to the Papists, who usually object against us, and our Religion, the contempt of antiquity, and the love of novelty, that we should not be able to wipe off the aspersion.

2. Would so diminish the just Authority due to the consentient judgement and practice of the universall Church (the best interpreter of Scripture in things not clearly expresst; for *Lex currit cum praxi:*) that without it we should be at a losse in sundry points both of *Faith* and *Manners*, at this day firmly believed and securely practised by us; when by the Socinians, Anabaptists, and other Sectaries we should be called upon for our proofes. As namely, sundry Orthodox all explications concerning the Trinity and Co-equality of the Persons in the God-head, against the Arians and other Heretiques; the number, use and efficacy of Sacraments; the Baptising of Infants; Nationall Churches; the observation of the Lords Day; and even the Canon of Scripture it selfe.

Thirdly, *in respect of our selves*; we are not satisfied how it can stand with the principles of *Justice*, *Ingenuity*, and *Humanity*, to require the extirpation of Episcopall Government (unlesse it had been first clearly demonstrated to be unlawfull) to be sincerely and really endeavoured, by us, 3.

1. Who have all of us, that have taken any Degree, by subscribing the 39. Articles, testified our approbation of that Government: one of those (a) Articles affirming the very Book containing the form of *their Consecration* to contain in it nothing contrary to the word of God. (a) *Art.* 36.

2. Who have most of us (*viz.* as many as have entred into the Ministery) received Orders from their hands: whom we

ſhould very ill requite for laying their hands upon us, if we ſhould now lay to our hands to root them up, and cannot tell for what.

3. Who have ſundry of us, ſince the beginning of this Parliament, ſubſcribed our names to Petitions exhibited or intended to be exhibited to that High Court, for the continuance of that Government. Which as we then did ſincerely and really, ſo we ſhould with like ſincerity and reality, ſtill (not having met with any thing ſince to ſhew us our errour) be ready to doe the ſame againe, if we had the ſame hopes we then had of the reception of ſuch Petitions.

4. Who hold ſome of us our livelyhood, either in whole or in part, by thoſe titles of *Deanes, Deanes and Chapters, &c.* mentioned in the Articles; being members of ſome Collegiate or Cathedrall Churches. And our memories will not readily ſerve us with an example in this kind ſince the world began; wherein any ſtate or profeſſion of men, though convicted (as we are not) of a crime that might deſerve deprivation, were required to bind themſelves by oath, *ſincerely and really to endeavour* the rooting out of that (in it ſelfe not unlawfull) together wherewith they muſt alſo root out themſelves, their eſtates and livelyhoods.

5. Eſpecially it being uſuall in moſt of the ſaid Churches, that ſuch perſons as are admitted members thereof, have a perſonall Oath adminiſtred unto them, to maintain the Honour, Immunities, Liberties, and profits of the ſame; and whileſt they live to ſeek the good, and not to doe any thing to the hurt, hinderance, or prejudice thereof; or in other words to the like effect.

4. Fourthly, *in reſpect of the Church of England:* we are not ſatisfied how we can ſwear to endeavour the extirpation of the eſtabliſhed Government, no neceſſity or juſt Cauſe of ſo doing, either offering it ſelfe, or being offered to our underſtandings.

1. Since all change of Government unavoidably bringeth with it, beſides thoſe that are preſent and evident, ſundry other inconveniences, which no wit of man can poſſibly fore-ſee

to provide against, till late experience discover them? We cannot be sure, that the evils which may ensue upon the change of this Government, (which hath been of so long continuance in this Kingdome, is so deepely rooted in the Lawes thereof, and hath so near a conjunction with, and so strong an influence upon the Civill State and Government, as that the change thereof must inferre the necessity of a great alteration to be made in the other also,) may not be greater then the supposed evills whatsoever they are, which by this change are sought to be remedied. For there are not yet any come to our knowledge of that desperate nature, as not to be capable of other remedy, then the utter extirpation of the whole Government it selfe.

2. Whereas the House of Commons have (b) remonstrated that it was farre from their purpose or desire to *abolish the Church-Government*, but rather that *all the members of the Church of England should be regulated by such Rules of Order and Discipline as are established by Parliament*, and that it was Malignancy *to infuse into the People* that they had any other meaning: We are loth by consenting to the second Article to become guilty of such *infusion*, as may bring us within the compasse and danger of the fourth Article of this Covenant.

(b) ... *give advantage to this Malignant Party to traduce our Proceedings. They infuse into the people that we mean to abolish all Church-Government.*—Remonst. 15 Dec. 1641. Exact Collect. pag. 19. *The Lords and Commons doe declare, That they intend a due and necessary Reformation of the Government and Liturgy of the Church, and to take away nothing in the one or in the other, but what shall be evill, and justly offensive, or at least unnecessary and burthensome.* Declar. 9. Apr. 1642. Exact Coll. p. 135.

3. Since it hath been declared by sundry (c) Acts of Parliament, That *the holy Church of England was founded in the state of Prelacy within the Realm of England*: We dare not by endeavouring the extirpation of Prelacy, strike at the very foundation, and thereby (as much as in us lyeth) cooperate towards the ruine of this Famous Church; which in all conscience and duty we are bound with our utmost lawfull power to uphold.

(c) *statut. of Carlile 25. E. 1. recited 25. E. 3.*

Lastly, *in respect of our Obligations to His Majesty* by our Duty

 and

and Oathes: we are not satisfied how we can swear to endeavour the extirpation of the Church-Government by Law establiſhed, without forfeiture of thoſe Obligations.

1. Having in the Oath of Supremacy acknowledged the King to be *the only ſupreame Governour in all Eccleſiaſticall Cauſes, and over all Eccleſiaſticall Perſons*; and having bound our ſelves both in that Oath, and by our Proteſtation, *To maintain the Kings Honour, Eſtate, Iuriſdictions*, and all manner of Rights: it is cleare to our underſtandings, that we cannot without diſloyalty and injury to Him, and double Perjury to our ſelves, take upon us without his conſent to make any alteration in the Eccleſiaſticall Lawes or Government, much leſſe to endeavour the extirpation thereof: Vnleſſe the impoſers of this Covenant had a power and meaning (which they have openly (d) diſclaimed) to abſolve us of that Obedience, which under God we owe unto His Majeſty, whom they know to be entruſted with the Eccleſiaſticall Law.

(d) *They infuſe into the people, that we mean—*

to leave every man to his own fancy — abſolving him of that Obedience which he owes under God unto His Majeſty, whom we know to be entruſted with the Eccleſiaſticall Law, as well as with the Temporall. Exact Collect, ubi ſup. p. 19.

2. We cannot ſincerely and really endeavour the extirpation of this Government, without a ſincere deſire and reall endeavour, that His Majeſty would grant His Royall Aſſent to ſuch extirpation. Which we are ſo farre from deſiring and endeavouring, that we hold it our bounden duty by our daily prayers to begge at the hands of Almighty God, that he would not for our ſinnes ſuffer the King to doe an act ſo prejudiciall to his honour and conſcience, as to conſent to the rooting out of that eſtate, which by ſo many branches of his (e) *Coronation Oath*, he hath in ſuch a ſolemne manner

(e) That he will *grant, keep & confirm the Laws, Cuſtoms & Franchiſes granted to the Clergy by the glorious King* S. Edward. *And that he will grant and preſerve unto the Biſhops, and to the Churches committed to their charge, all Canonicall Priviledges and due Law and Juſtice; and that he will protect and defend them, as every good King in his Kingdome ought to be Protector and Defender of the Biſhops and the Churches under their Government.* Vide Exact Coll. p. 290. 291.

ſworn

sworn by the assistance of God to his power to maintain and preserve.

3. By the Laws of this Land, (f) the *Collation* of *Bishopricks* and (g) *Deanries*; the (h) *fruits* and *profits* of their Lands and Revenues during their vacancies; the (i) *first fruits and yearly tenths* out of all Ecclesiasticall promotions; and sundry other Privileges, Profits, and Emoluments, arising out of the State Ecclesiasticall, are established in the Crowne, and are a considerable part of the Revenues thereof; which, by the extirpation of Prelacy, as it is in the Article expounded, or by subsequent practice evidenced, will be severed and cut off from the Crowne, to the great prejudice and dammage thereof. Whereunto, as we ought not in common reason, and in order to our Allegiance as Subjects, yeeld our consent, so having sworn expresly *to maintain the Kings honour and Estate*, and to our power to assist and defend all Iurisdictions, &c. belonging to His Highnesse, or united and annexed to the Imperiall Crown of the Realme, we cannot without manifest Perjury (as we conceive) consent thereunto.

(f) *See Stat.* 25. *H.* 8. 20. & 1. *E.* 6. 2.
(g) *See stat.* 29. *Eliz* 8.
(h) *stat.* 14. *E.* 3. 4 & 5. & 17. *E.* 3. 14.
(i) *Stat.* 26. *H.* 8. 3. & 1. *Eliz.* 4.

4. The Government of this Realme being confessedly an *Empire* or (k) *Monarchy*, and that of a most excellent temper and constitution: we understand not how it can become us to desire or endeavour the extirpation of that Government in the Church, which we conceive to be incomparably of all other the most agreeable, and no way prejudiciall to the state of so well a constituted Monarchy. In so much as King *Iames* would often say, what his long experience had taught him, *No Bishop, no King*. Which Aphorisme, though we find in sundry Pamphlets of late years to have been exploded with much confidence and scorne; yet we must professe to have met with very little in the proceedings of the late times, to weaken our beliefe of it. And we hope

(k) --- *Supremam potestatem & merum imperium apud nos habet Rex.* Cambd. *Whereas by sundry divers old authentique Histories and Chronicles it is manifestly declared and expressed, that this Realm of England is an Empire, and so hath been accepted in the world, governed by one Supream Head and King having the dignity and Royall estate of the Imperiall Crown of the same.* Stat. 24. H. 8. 12. See also 1. Elizab. 3.

hope we shall be the lesse blamed for our unwillingnesse to have any actuall concurrence in the extirpating of Episcopall Government: seeing of such extirpation there is no other use imaginable, but either the alienation of their Revenues and Inheritances, (which how it can be severed from *Sacrilege* and *Injustice* we leave others to find out) or to make way for the introducing of some other Forme of Church-Government: which whatsoever it shall be, will (as we thinke) prove either destructive of, and inconsistent with Monarchicall Government, or at least-wise more prejudiciall to the peaceable, orderly, and effectuall exercise thereof, then a well-regulated Episcopacy can possibly be.

§. V.

Of the other parts of the Covenant.

HAving insisted the more upon the two first Articles, that concern Religion and the Church, and wherein our selves have a more proper concernment: We shall need to insist the lesse upon those that follow, contenting our selves with a few (the most obvious) of those many great, and (as we conceive) just exceptions, that lie there against.

In the third Article, we are not satisfied that our endeavour to preserve and defend the Kings Majesties Person and Authority is so limited, as there it is, by that addition, *In the Preservation and defence of the true Religion, and Liberties of the Kingdome.* Forasmuch as

1. No such limitation of our duty in that behalfe is to be found, either in the Oathes of Supremacy and Alleagiance, (which no Papist would refuse to take with such a limitation) nor in the Protestation, nor in the Word of God.
2. Our endeavour to preserve the Rights and Priviledges of Parliaments, and Liberties of the Kingdomes, is required to be sworn of us in the same Article without the like or any other limitation added thereunto.
3. Such limitation leaveth the duty of the Subject at so much looseneſſe, and the safety of the King at so great uncertainty;

ty; that whensoever the People shall have a mind to withdraw their obedience, they cannot want a pretence from the same for so doing.

4. After we should, by the very last thing we did (*viz.* swearing with such a limitation) have made our selves guilty of an actuall and reall diminution (as we conceive) of His Majesties just power and greatnesse, the obtestation would seem very unseasonable (at the least) with the same breath to call the world to bear witnesse with our Consciences, that we had no thoughts or intentions to diminish the same.

5. The swearing with such a limitation is a Testimony of the Subjects Loyalty (to our seeming) of a very strange nature; which, the Principles of their severall Religions salved, the Conscience of a most resolute Papist or Sectary may securely swallow, and the Conscience of a good Protestant cannot but strein at.

In the fourth Article,

1. We desire it may be considered, whether the imposing of the Covenant in this Article doe not lay a necessity upon the Sonne, of accusing his own Father, and pursuing him to destruction; in case he should be an Incendiary, Malignant, or other evill Instrument, such as in the Article is described. A course which we conceive to be contrary to Religion, Nature, and Humanity.

2. Whether the swearing according to this Article, doth not rather open a ready way to Children that are sick of the Father, Husbands that are weary of their Wives, &c. by appealing such, as stand between them and their desires, of Malignancy, the better to effectuate their unlawfull intentions and designes.

3. Our selves having solemnly protested to maintaine the Liberty of the Subject, and the House of Commons having publiquely declared against the exercise of an Arbitrary Power, with Order that their said Declaration should be Printed and published in all the Parish Churches and Chappells of the Kingdome, there to stand and remaine as a testimony of the clearnesse of their intentions; whether the

subject-

ſubjecting of our ſelves and brethren by Oath, unto ſuch puniſhments as ſhall be inflicted upon us (without Law or Merit) at the ſole pleaſure of ſuch uncertain Judges as ſhall be upon any particular occaſion *deputed for that effect*, of what mean quality or abilities ſoever they be, even to the taking away of our lives, *if they ſhall think it convenient ſo to doe*, though the degree of our offences ſhall not require or deſerve the ſame; be not the betraying of our Liberty in the loweſt, and the ſetting up of an Arbitrary Power in the higheſt degree that can be imagined.

The ſubſtance of the fifth Article, being the ſetling and continuance of a firme Peace and Union between the three Kingdomes, ſince it is our bounden duty to deſire, and according to our ſeverall places and intereſts by all lawfull means to endeavour the ſame: we ſhould make no ſcruple at all to enter into a Covenant to that purpoſe, were it not

1. That we doe not ſee, nor therefore can acknowledge *the happineſſe of ſuch a bleſſed Peace between the* three *Kingdomes* (for we hope *Ireland* is not forgotten) as in the Article is mentioned: So long as *Ireland* is at Warre within it ſelfe, and ſo both the other Kingdomes engaged in that Warre.

2. That ſince no Peace can be firme and well grounded that is not bottom'd upon Iuſtice, the moſt proper and adequate act whereof is, *Jus ſuum cuiq.* to let every one have that which of right belongeth unto him; we cannot conceive how a firme and laſting Peace can be eſtabliſhed in theſe Kingdomes, unleſſe the reſpective Authority, Power, and Liberty of *King*, *Parliament*, and *Subject*, as well every one as other, be preſerved full and entire, according to the known Lawes and continued unqueſtioned cuſtomes of the ſeverall Kingdomes in former times, and before the beginning of theſe ſad diſtractions.

In the ſixth Article we are altogether unſatisfied.

1. The whole Article being grounded upon a ſuppoſition, which hath not yet been evidenced to us, *viz.* that *this Cauſe*, meaning thereby (or elſe we underſtand it not) the joyning in this Covenant of mutuall defence for the proſecu-

tion

on of the late Warre, was *the cauſe of Religion, Liberty, and Peace of the Kingdomes*; and that it ſo much concerned *the Glory of God, and the good of the Kingdomes, and the Honour of the King.*

2. If all the Premiſſes were ſo cleare, that we durſt yeeld our free aſſent thereunto, yet were they not ſufficient to warrant to our conſciences what in this Article is required to be ſworn of us; unleſſe we were as clearly ſatisfied concerning the lawfulneſſe of the means to be uſed for the ſupporting of ſuch a Cauſe. For ſince evil may not be done, that good may come thereof; we cannot yet be perſwaded, that *the Cauſe of Religion, Liberty, and Peace*, may be ſupported; or *the Glory of God, the Good of the Kingdomes, & the Honour of the King* ſought to be advanced, by ſuch means, as (to our beſt underſtandings) are both improper for thoſe ends, and deſtitute of all warrant from the Lawes, either of God, or of this Realm.

Laſtly, in the concluſion, our hearts tremble to think, that we ſhould be required to pray that *other Chriſtian Churches might be encouraged by our example to joyne in the like Aſſociation and Covenant, to free themſelves from the Antichriſtian yoake, &c.* 5.

Wherein

1. To omit that we doe not know any *Antichriſtian yoke* under which we were held in theſe Kingdomes, and from which we owe to this either War or Covenant our freedome: unleſſe by the Antichriſtian yoke be meant Epiſcopall Government, which we hope no man that pretendeth to Truth and Charity will affirme.

2. We doe not yet ſee in the fruits of this Aſſociation or Covenant among our ſelves, any thing ſo lovely as to invite us to deſire (much leſſe to pray) that other Chriſtian Churches ſhould follow our example herein.

3. To pray to the purpoſe in the concluſion of the Covenant expreſſed, ſeemeth to us all one in effect, as to beſeech Almighty God, the God of Love and Peace,

1. To take all Love and Peace out of the hearts of Chriſtians, and to ſet the whole Chriſtian world in a combuſtion.

2. To render the Reformed Religion, and all Protestants odious to all the World.
3. To provoke the Princes of *Europe* to use more severity towards those of the Reformed Religion: if not (for their own security) to root them quite out of their severall Dominions.

4. The tyranny and yoake of Antichrist, if laid upon the necks of Subjects by their lawfull Soveraignes, is to be thrown off by *Christian boldnesse* in confessing the Truth, and *Patient suffering* for it; not by taking up Armes, or violent resistance of the Higher Powers.

§. VI.

Some Considerations concerning the meaning of the Covenant.

OVr aforesaid scruples are much strengthned by these ensuing Considerations.

1. First, that whereas no Oath, which is contradictory to it selfe can be taken without Perjury, because the one part of every contradiction must needs be false: this Covenant either indeed containeth, or at least wise (which to the point of conscience is not much lesse effectuall) seemeth to us to contain sundry Contradictions: as namely amongst others, these:

1. To preserve as it is, without change, and yet to reforme and alter, and not to preserve, *one and the same reformed Religion.*
2. Absolutely and without exception *to preserve*; and yet upon supposition to *extirpate* the selfe-same thing, *viz.* the present Religion of the Church of *Scotland.*
3. To reform Church-Government established in *England*, and *Ireland, according to the Word of God:* and yet to extirpate that Government which we are perswaded to be according thereunto, for the introducing of another whereof we are not so perswaded.
4. To endeavour *really the extirpation of Heresies, Schismes, and Prophanenesse*, and yet withall to extirpate that Government in the Church, the want of the due exercise whereof we conceive

ceive to have been one chiefe cauſe of the growth of the ſaid evils; and doe believe the reſtoring and continuance thereof would be the moſt proper and effectuall remedy.

5. *To preſerve with our eſtates and lives the Liberties of the Kingdome*; that is, (as in the Proteſtation is explained) of the Subject; and yet contrary to theſe Liberties, to ſubmit to the impoſition of this *Covenant*, and of the *Negative Oath*, not yet eſtabliſhed by Law: and to put our lives and eſtates under the arbitrary power of ſuch as may take away both from us when they pleaſe, not only without, but even againſt Law, *if they ſhall judge it convenient ſo to doe.*

Secondly, we find in the Covenant, ſundry expreſſions of dark or doubtfull conſtruction: Whereunto we cannot ſweare in judgement, till their ſenſe be cleared and agreed upon. As, Who are the *Common Enemies?* and which be *the beſt Reformed Churches?* mentioned in the firſt Article. Who (in the fourth Article) are to be accounted *Malignants?* How farre that phraſe of *hindring Reformation* may be extended? What is meant by *the ſupreme Judicatory of both Kingdomes?* and ſundry other. 2.

Thirdly, by the uſe that hath been made of this Covenant, (ſometimes to purpoſes of dangerous conſequence) we are brought into ſome fears and jealouſies, leſt by taking the ſame we ſhould caſt our ſelves into more ſnares then we are yet aware of. For in the firſt Article, 3

1. Whereas we are *to endeavour the Reformation of Religion in this Kingdome, in Doctrine, Worſhip, Diſcipline, and Government, according to the Word of God, and the example of the beſt Reformed Churches:*

1. The Reformation in Worſhip (whereby we could not ſuppoſe any more was intended (according to their former (a) Declaration) then a review of the Service-book, (a) *The Lords and Commons doe declare, That they intend a due and neceſſary Reformation of the Liturgie of the Church; and to take away nothing therein, but what ſhall be evil, and juſtly offenſive, or at leaſt unneceſſary and burthenſome.* Declarat. 9. Apr. 1642. Exact Coll. pag. 135.

that *the translations* might be in some places amended, some alterations made in *the Offices and Rubricks*; or at most some of the Ceremonies laid aside for the reasons of expediency and condescension) hath produced an utter abolition of the whole forme established: without substituting any other certain forme in the room thereof.

2. The Reformation in point of Discipline and Government intended (so farre as by the overtures hitherto made we are able to judge) is such, as we conceive not to be *according to the Word of God*, nor (for any thing we know) according to *the example of any Church* that ever was in the world (best or worst) since the Creation.

2. In the second Article, our griefe and fears had been lesse, if we could have observed *the extirpation of Popery, Heresy, Schisme, and Prophaneneſſe*, to have been as really intended, and set on with as much speed and animosity, as the extirpation of *Prelacy*, and that which some call *Superstition*. But when we see, under the notions of rooting out Prelacy and Superstition, so much quickneſſe used to fetch in the Revenues of the Church and the sacred Utensils (no otherwise guilty of Superstition, for ought we know, then that they are worth something) and on the other side, so little yet done toward the extirpation of Heresie, Schisme, and Prophaneneſſe, (as things of lesse temporall advantage.) We cannot dissemble our suspicion, that the designers of this Covenant might *have something else before their eyes* besides what in the begining of the Introduction is expressed; and that there is something meant in this Article, that looketh so like *Sacrilege*, that we are afraid to venture thereon.

3. In the third Article

1. Although we should not otherwise have apprehended any matter of danger or moment in the ordering of the particulars, in the Article mentioned: yet since M. *Chaloner in his Speech*, and others have made advantage thereof to inferre from that very order, that the defence of the Kings Person and Authority ought to be with subordination to the preservation of the Rights and Privileges of Parliaments, and the

the Liberties of the Kingdome, which are (c) *in the first place* and before it to be endeavoured; We hope we shall be excused, if we dare not take the Covenant in this sense. Especially, considering that if the Argument be of any force, it will bind us at least as strongly, to endeavour the maintenance of *the Kings Person, Honour and Estate in the first place*, and the rest but subordinately thereunto; because they are so ordered in the *Protestation*: And then, that Protestation having the advantage of preceding, it will bind us more strongly, as being the first obligation.

(c) *From whence it is most evident, that the Rights and Privileges of the Parliaments & Liberties of the Kingdom are in the first place to be preserved.* Answ. to Scottish Papers, 18. *Nov.* 1646. page 21.

2. Whereas some have been the rather induced to take the Covenant in this particular by being told, that that limitation, *in the preservation and defence of the true Religion and Liberties of the Kingdomes* was not to be understood exclusively: yet when we find that the House of Commons in their answer to the Scottish Papers, doe (d) often presse that *limitation*, as without which the endeavouring to preserve the Kings Majesties Person and Authority ought not to be mentioned; it cannot but deterre us from taking the Covenant in this particular so understood.

(d) *We observe you mention the defence of the King twice from the Covenant, yet in both places leave out* In the preservation and &c. p. 39 & 46. *a main clause, without which the other part ought never to be mentioned.* p. 56.

3. Especially being told in a late Pamphlet, that the King not having preserved the Liberties of the Kingdome, &c. as of duty he ought, is thereby *become a Tyrant, and so ceaseth to be a King*, and consequently that his Subjects cease to be Subjects, and owe him no longer subjection. Which Assertion since we heartily detest, as false and scandalous in the Supposition, and in the Inference seditious and devilish; we dare not by subscribing this Article seem to give the least countenance thereunto.

4. But it striketh us with horror to think what use hath been made of the fourth Article; concerning the punishment of

Malignants, &c. as by others otherwaies; so especially by *the Corrector of a speech without doors*, written in the defence of M. *Chaloners* Speech: Who is so bold as to tell the Parliament, that they are bound by their Covenant (for the bringing of evill instruments to condigne punishment) to destroy the King and his Posterity; and that they cannot justify the taking away of *Strafferds* and *Canterburies* lives for Delinquency, whilst they suffer the chiefe Delinquent to goe unpunished.

§. VII.

Of the Salvo's.

THe *Salvo's* that we have usually met withall, for the avoyding of the aforesaid scruples, either concerning the whole Covenant, or some particulars therein of speciall importance: We find upon examination to be no way satisfactory to our consciences.

I. The first is that we may take the Covenant *in our own sense*: but this (in a matter of this nature, *viz.* an imposed promissory Oath, in the performance whereof others also are presumed to be concerned) first seemeth to be

1. Contrary *to the nature and end of an Oath*, which unlesse it be full of simplicity, cannot be sworne in truth and righteousnesse, nor serve to the ending of controversies and contradictions, which was the use for which it was instituted, *Heb. 6.*

2. Contrary *to the end of Speech*: God having given us the use of Speech for this end, that it might be the interpreter of the minde; it behoveth us as in all other our dealings and contracts, so especially where there is the intervention of an Oath, so to speake, as that they, whom it concerneth, may clearly understand our meaning by our words.

3. Contrary to *the end of the Covenant* it selfe. Which being the confirmation of a firm union among the Covenanters, that by taking thereof they might have mutuall assurance of mutuall assistance and defence: If one may be allowed to take it in one sense, and another in a contrary; the Covenanters shall have

have no more assurance of mutuall assistance each from other after the taking of the Covenant, then they had before.

4. Contrary to the *Solemne profession* made by each Covenanter (in expresse termes in the conclusion thereof) *in the presence of Almighty God, the searcher of all hearts*, that he taketh it *with a true intention to perform the same, as he shall answer it at the great day.*

Secondly, This will bring a scandall upon our Religion, 2.

1. That we practice that our selves, which we condemne in the Papist, *viz.* Swearing with Iesuiticall equivocations and mentall reservations.

2. That we take the glorious and dreadfull name of God in vaine; and play fast and loose with Oathes: in as much as what we swear to day in one sense, we may swear the direct contrary to morrow in another. And

3. It will give strength to that charge which is laid to the Presbyterian party, in speciall, both (a) by *Iesuites* and (b) (a) *Hæretici Sectaries*; that there is no faith to be given to Protestants, *nec Deo nec hominibus* what ever they sweare; because they may swear one thing in their words, and in their own sense mean another. *servant fidem... Speciatim hoc addo, Calvinistas in hac re deteriores esse quàm Lutheranos. Nam Calvinistæ nullam servant fidem: Iura, perjura... Lutherani moderatiores sunt.* Becan. 5. Manual. Controv. 14. n. 4. & 6. (b) *Invent Oathes and Covenants for the Kingdom, dispense with them when he pleaseth, swear and forswear as the wind turneth, like a godly Presbyter.* Arraign. of Persec. in Epist. Ded.

The second way is, to take the Covenant with these or the like general *Salvo's* expressed, *viz. So farre as lawfully I may; So farre as it is agreeable to the word of God, and the Lawes of the Land; Saving all Oathes by me formerly taken*, &c. But 2.

1. We believe this mocking of God would be so farre from freeing us from the guilt of Perjury, that thereby we should rather contract a new guilt of most vile and abominable *Hypocrisie*.

2. It seemeth all one unto us (the thing being otherwise supposed unlawfull) as if we should swear to kill, steal, commit adultery, or forswear our selves, *so farre as lawfully we may*.

3. If

3. If this would satisfie the Conscience, we might with a good Conscience not only take the present Covenant, but even subscribe to the *Councel of Trent* also; yea, and to the *Turkish Alcoran*; and swear to maintain and defend either of them, *viz. so farre as lawfully we may, or as they are agreeable to the Word of God.*

3. Thirdly, for the *second Article* in particular, in the branch concerning the extirpation of Church-Government, we are told that it is to be understood of the whole Government, taken collectively and in *sensu composito*: so as if we doe endeavour but the taking away of *Apparitors* only, or of any other one kind of inferiour Officers belonging to the Ecclesiasticall Hierarchy, we shall have sufficiently discharged our whole promise in that particular without any prejudice done to Episcopacy. But

1. Neither the composers of the Covenant by their words, nor the imposers of it by their Actions, have given us the least signification that they meant no more.

2. Yea rather, if we may judge either by the cause or the effects, we may well think there was a meaning to extirpate the whole government, and every part thereof in the Article expressed. For

1 The Covenant being (as we have no cause to doubt) framed at the instance of the Scots, and for the easier procuring of their assistance in the late War, was therefore in all reason so to be framed and understood as to give them satisfaction; & (considering what themselves have (c) declared against *Episcopacy*) we have little reason to believe the taking away Apparitors, or any thing, lesse then *the rooting out of Episcopacy it selfe*, would have satisfied them.

(c) *By the Covenant, both Houses of Parliament & many thousands of other His Majesties Subjects of England and Ireland stand bound as well as we to hinder the setting up of the Church-Government by Bishops in the Kingdome of Scotland: And that we as well as they stand bound to endeavour the extirpation thereof in England and Ireland.* Scots Declar. to the States of the Vnited Provinces, 5. Aug. 1645. recited in Answer to the Scots Papers pag. 23.

2. The proceedings also since the entring of this Covenant in endeavouring *by Ordinance of Parliament* to take away the

the Name, Power, and Revenues of Biſhops doe ſadly give us to underſtand what was their meaning therein.

Fourthly, as to the ſcruples that ariſe from *the Soveraignty* of the King, and *the duty of Allegiance* as Subjects; we find two ſeverall wayes of anſwering, but little ſatisfaction in either. 4.

1. The former, by ſaying (which ſeemeth to us a piece of unreaſonable and ſtrange Divinity) that *Protection* and *Subjection* ſtanding in relation either to other, the King being now diſabled to give us protection, we are thereby freed from our bond of ſubjection. Whereas
   1. The Subjects obligation (*Jus ſubjectionis*) doth not ſpring from, nor relate unto the actuall exerciſe of Kingly protection; but from and unto the Princes obligation to protect (*Jus Protectionis.*) Which obligation lying upon him as a duty which he is bound in conſcience to performe, when it is in his power ſo to doe; the relative obligation thereunto lyeth upon us as a duty which we are bound in conſcience to performe, when it is in our power ſo to doe. His inability therefore to performe his duty doth not diſcharge us from the neceſſity of performing ours, ſo long as we are able to doe it.
   2. If the King ſhould not protect us, but neglect his part, though having power and ability to perform it, his voluntary neglect ought not to free us from the faithfull performance of what is to be done on our parts. How much leſſe then ought we to think our ſelves diſ-obliged from our ſubjection, when the *Non-protection* on his part is not from the want of will, but of power?
2. The later (wherein yet ſome have triumphed) by ſaying that the Parliament being *the ſupreme Judicatory* of the Kingdome, the King, *whereſoever in perſon*, is ever preſent there *in his power*, as in all other Courts of Iuſtice: and that therefore whatſoever is done by them, is not done without the King, but by him. But *craving pardon* firſt, if in things without our proper ſphere we hap to ſpeak unproperly or amiſſe; We muſt next *crave leave* to be ſtill of the ſame mind we were, till it ſhall be made evident to our underſtandings,

that the King is there *in his power*, as it is evident to our senses that he is not there *in his Person*: Which (so farre as our naturall reason and small experience will serve us to judge,) all that hath been said to that purpose can never doe.

For, first to the point of presence:

1. We have been brought up in a beliefe that for the making of Laws the actuall (d) *Royall assent* was simply necessary, and not only a virtuall assent supposed to be included in the Votes of the two Houses: otherwise what use can there be of his Negative voice? or what need to (e) *desire his Royall assent*, to that which may be done as well without it?

(d) The old formes of Acts of Parliam. were, *The King willeth, provideth, ordaineth, establisheth granteth, &c. by the assent of Parliament, &c.* See Statutes till 1. H. 4. After that, *The King, of the assent of the Lords Spirituall & Temporall, and at the speciall instance and request of the Commons of this Realm, hath ordained, &c.* See Statutes 1. H. 4. till 1. H. 7. A forme of such Petition of the Commons, see 1 R. 3. 6. *Prayen the Commons in this present Parliament assembled, that where, &c. Please it therefore your Highnesse, by the advice and assent of the Lords Spirituall & Temporall in this your present Parliament assembled, and by the authority of the same, to ordaine, &c.*

No Bill is an Act of Parliament, Ordinance or Edict of Law, although both the Houses agree unanimously in it, till it hath the Royall Assent. Ancient Customes, pag. 54.

Assemblee de ceux troys Estats est appellee un Act de Parliament: car sans touts troys nest ascun Act de Parl. Finch Nomotech. fol. 21.

We admit that no Acts of Parliament are complete, or formally binding without the Kings assent. H. P. Answer to *David Ienkins*, pag. 6.

(e) *Which if your Majesty shall be pleased to adorne with your Majesties Royall assent, (without which it can neither be complete and perfect, nor ...)* Stat. 1 Iac. 1.

(f) *Stat.* 33. H. 8. 21.

2. The (f) Statute, providing that *the Kings assent to any Bill signified under his great Seal* shall be to all intents of Law as valid & effectual, as if he were personally present, doth clearly import that as to the effect of making a Law, the Kings Power is not otherwise really present with the two Houses, then it appeareth either in his Person or under his Seal: Any other *real presence* is to us a riddle, not much unlike to that of *Transubstantiation*: an imaginary thing, rather devised to serve turnes,

turnes, then believed by those that are content to make use of it.

3. Such presence of the King there, when it shall be made appeare to us either from *the Writs*, whereby the Members of both Houses are called together, or by *the standing Lawes* of the Land, or by the acknowledged *judgement* and continued *practice* of former and later ages, or by any *expresse* from the King himselfe, clearely declaring his mind to that purpose, we shall then as becometh us, acknowledge the same, and willingly submit thereunto.

And as for the Argument drawne from the *Analogie* of other Courts, wherein the Kings Power is alwayes supposed to be virtually present, under submission we conceive it is of no consequence.

1. The Arguments *à minore* and *à majore* are subject to many fallencies; and unlesse there be a parity of reason in every requisite respect between the things compared, will not hold good: A Petty *Constable* (they say) may doe something which a Iustice of Peace cannot doe: And the Steward of a petty Mannour hath power to administer an Oath, which (as we are told) the House of Commons it selfe hath no power to doe.

2. That the high Court of Parliament is *the supreame Iudicatory*, we have been told it is by virtue of the Kings right of presiding there, he being (g) the *Supreame Iudge*, and the Members of both Houses his Councell: which being so, the reason of difference is plaine between that and other Iudicatories in sundry respects.

(g) *Dominus Rex habet ordinariam Iurisdictionem, dignitatem & potestatem super omnes qui in regno suo sunt,——Ea quæ Iurisdictionis sunt & pacis—— ad nullum pertinent nisi ad coronam & dignitatem Regiam, nec à coronâ separari possunt. Bracton* cited by *Stamford*, lib. 2. cap. 2.

4. The Iudges in other Courts are deputed by him, and doe all in his name, and by his authority; and therefore the presence of his power in those *Courts of ministeriall Iurisdiction* is sufficient, his personall presence not necessary, neither hath he any personall vote therein at all. But in the high

Court of Parliament, where the King himselfe is the Supream Iudge, judging in his owne name and by his owne authority, his Power cannot be presumed to be really present without either the *actuall presence* of his person, or some *virtuall representation* thereof signified under his great Seale.

2. The Iudges in inferiour Courts, because they are to act all in his name, and by his Authority, doe therefore take Oathes of fidelity for the right exercising of Iudicature in their severall places; sitting there, not by any proper interest of their owne, but only in the right of the King, whose Iudges they are, and therefore they are called *the Kings Iudges* and *his Ministers*. But in the high Court of Parliament, the Lords and Commons sit there in Councel with the King as Supreme Iudge for the good of the whole Realme, and therefore they are not called the Kings Iudges, but the Kings *Counsell*: and they have their severall proper rights and interests peculiar and distinct both between themselues, & from that of the Kings; by reason whereof they become *distinct Orders*, or, as of (h) late times they have been stiled (in this sense as we conceiue) (i) *three distinct Estates*. Each of which being supposed to be the best Conservators of their owne proper interest; if the power of any one Estate should be presumed to be *virtually present* in the other two, that Estate must needs be inevitably liable to suffer in the proper Interests thereof. which might quickly prove destructive to the whole Kingdome: The safety and prosperity of the whole consisting in the conservation of the just rights and proper interests of the maine parts, *viz. The King, Lords*, and *Commons*, inviolate and entire.

(h) For in our Lawes, the Clergy, Nobility, & Communalty are the 3. Estates. —*We your said most loving, faithfull, and obedient Subiects*, (*viz.* the Lords Spirituall and Temporall, and the Commons) *representing your Three Estates of your Realme of England*, 1 Eliz. 3. —*the State of the Clergie being one of the greatest States of the Realme*. 8. Eliz. 1.

(i) See *Finch* supra ad lit [d].

3. The Iudges of other Courts, for as much as their power is but ministeriall and *meerely Iudiciall*, are bounded by the present Lawes, and limited also by their owne Acts: so as they

they may neither ſwerve from the Lawes, in giving judgement, nor reverſe their owne Iudgements after they are given. But the High Court of Parliament, having (by reaſon of the Kings Supreme Power preſiding therein) a *Power Legiſlative* as well as *Judiciall*, are not ſo limited by any earthly Power, but that they may change and over-rule the Laws, and their own Acts at their pleaſure. The Kings *Perſonall aſſent* therefore is not needfull in thoſe other Courts, which are bounded by thoſe Lawes whereunto the King *hath already given his Perſonall aſſent*: but unto any Act of Power *beſide, beyond, above, or againſt* the Lawes already eſtabliſhed, we have been informed, and it ſeems to us very agreeable to reaſon, that the Kings Perſonall Aſſent ſhould be abſolutely neceſſary: Foraſmuch as every ſuch Act is the exerciſe of a *Legiſlative* rather then of a *Judiciall Power*; and no Act of Legiſlative power in any Community (by conſent of all Nations) can be valid, unleſſe it be confirmed by ſuch perſon or perſons as *the Soveraignty* of that Community reſideth in. Which Soveraignty, with us, ſo undoubtedly reſideth in the perſon of the King, that his ordinary ſtyle runneth, --*Our* (k) *Soveraign Lord the King*: And he is in the Oath of Supremacy expreſſely acknowledged to be *the only Supream Governour within his Realmes*. And we leave it to the wiſdome of others to conſider, what miſery and miſchiefe might come to the Kingdome, if the power of any of *theſe three Eſtates* ſhould be ſwallowed up by any one or both the other, and if then under the name of a *Judiciall* there ſhould be yet really exerciſed *a Legiſlative power*.

(k) *The Crown of England hath been ſo free at all times, that it hath been in no earthly ſubjection, but immediatly to God in all things touching the Regality of the ſaid Crowne.*--16. R. 2. 5. *Omnis ſub eo eſt, & ipſe ſub nullo, niſi tantùm ſub Deo. Parem autem non habet Rex in Regno ſuo, quia*---*Item nec multò fortiùs ſuperiorem aut potentiorem habere debet, quia ſic eſſet inferior ſuis ſubjectis.* Bracton. centen. 1. Rubr. 3 6. --*Cui αὐτοκρατορικὴν legibus ipſis legum vim imponendi poteſtatem Deus dedit.* Finch Nomotech. in Epiſt. Dedi. to K. *James*.

4. Since all *Judiciall Power* is radically and originall iny the

King, (who is for that cause styled by the Lawes (l) *The Fountain of Justice*) and not in any other Person or Persons, but by derivation from him: it seemeth to us evident, that neither the Iudges of *inferior Courts of ministeriall Justice*, nor the Lords and Commons assembled in *the High Court of Parliament*, may of right exercise any other power over the Subjects of this Realme, then such as by their respective *Patents* and *Writs* issued from the King, or by the known *established Laws* of the Land formerly assented unto by the Kings of this Realme doth appeare to have been from him derived unto them. Which *Lawes*, *Patents* and *Writs* being the exact boundary of their severall Powers, it hath not yet been made appeare to our understandings, either from the Lawes of the Realme, or from the tenour of those Writs by which the Parliament is called, that the two Houses of Parliament have any power without the King to *order*, *command*, *or transact*; but with him (m) to *treat consult and advise* concerning the great affaires of the Kingdome. In which respect they have sundry times in their Declarations to His Majesty called themselves by the name of *His Great Councel*. And those *Lawes* and *Writs* are (as wee conceive) the proper Topick, from which the just power of the Honourable Houses can be convincingly deduced: and not such fraile Collections as the wits of men may raise from seeming *Analogies* and proportions.

(l) *Fons Justitiæ.* Bracton. *By War to intend the alteration of the Laws in any part of them is to levy War against the King, and consequently Treason, by the Statute of* 25. E. 3. — *because they are the Kings Laws. He is the fountaine from whence in their severall Channels they are derived to the Subject.* Master Saint Iohn's Speech concerning the Earle of Strafford. page 12.

(m) — *Et ibidem vobiscum colloquium habere, tractare --- super dictis negotiis tractatur — vestrumq; consilium impensur* — Writ to the Lords.

§ VIII.

§. VIII.

Of the Negative Oath.

WE are not satisfied, how we can submit to the taking of the *Negative Oath*,

1. Without forfeiture of that *liberty*, which we have sworne and are bound to preserve. With which liberty we conceive it to be inconsistent, that any obligation should be laid upon the Subject, by an *Oath* not established by Act of Parliament.

2. Without abjuring our (a) *natural Allegiance*, and violating the *Oathes of Supremacy and Allegiance* by us formerly taken. By all which being bound to our power *to assist the King*, we are by this *Negative Oath* required to sweare from our heart, *not to assist him.*

(a) *Every Subject by the duty of his Allegiance is bounden to serve and assist his Prince and Soveraigne Lord at all seasons when need shall require.* 11.H.7.18.

3. Without *diminution of His Majesties just Power and greatnesse*, contrary to the third Article of the Covenant, by acknowledging a Power in the two Houses of Parliament, in opposition to the Kings Power. Whereas we professe our selves unable to understand, how there can be any lawfull power exercised within this Realme, which is not subordinate to the power of the King.

§. 9.

§. IX.

Of the Ordinances concerning the Discipline and Directory.

1. First, concerning them all together; we are not satisfied how we can submit to such Ordinances of the two Houses of Parliament not having the *Royall Assent*,

1. As are contrary to the established Laws of this Realm contained in such Acts of Parliament as were made by the joynt consent of the King, Lords, and Commons.

2. Nor so onely, but also pretend by repeal to abrogate such Act or Acts. For, since *Ejusdem est potestatis destruere cujus est constituere*, it will not sink with us, that a lesser power can have a just right to cancell and annull the Act of a greater.

Stat. El. 1. 3. Especially the whole power of ordering all matters Ecclesiasticall being by the Lawes in expresse words *for ever annexed to the Imperiall Crown of this Realm.* And upon what head that Crown ought to stand, none can be ignorant.

2. As to the particular Ordinances: those that concern *the Discipline*, first.

1. If under that title be comprehended the *Government* also: we cannot submit thereunto, without consenting to the eradication of a Government of reverend Antiquity in the Church. Which (notwithstanding the severall changes of Religion within this Realm) hath yet from time to time been continued and confirmed by the Publique Laws and Great Charters of the Kingdome: then which there cannot be a more ample testimony that it was ever held agreeable to the Civill Government and the Subjects liberty. Which also the successive Kings of this Realme at their severall Coronations have solemnly sworn to preserve. And the continuance whereof for sundry reasons before (upon the second Article of the Covenant) specified, we heartily wish and desire.

2. But if the word *Discipline* be taken (as it is in the first Article

ticle of the Covenant) as *contradistinguished unto the Government*: there is something even in that also, wherein we are not fully satisfied, *viz.* the leaving of so much power in so many persons, and those, (many of them) of mean quality, for the keeping back of thousands of well-meaning Christians from the benefit and comfort of the blessed Sacrament. An Austerity, for which there appeareth not to us any probable warrant from the Word of God: But which seemeth rather repugnant, as to the generall principles of Christian prudence and charity, so to the directions and practice of S. *Paul* in particular; who in a Church abounding with sundry errors and corruptions both in faith and manners, (having first given order for the excommunicating of one onely person that by shameless continuance in a notorious sinne hath brought a foule scandall upon the Gospell) sufficing himselfe then with a generall proposall of the great danger of *unworthy communicating*, remitteth every other particular person to a *selfe examination*; without any order either to *Ministers or Lay-Elders* to exclude any from the holy Communion upon their Examination. 1 *Cor.* 5. 1. *&c.* 1 *Cor.* 11. 28. *&c.*

As to the Ordinance concerning the *Directory* in particular: we cannot without regret of Conscience, (during our present judgement, and the continuance of the present Laws) consent to the taking away of *the Book of Common-Prayer*. 3.

1. Which by our subscriptions most of us have approved, with a solemne promise therewithall, in the publique Service to use the forme prescribed therein, and no other.

2. Which, according to our said Subscription and Promise, and our bounden duty according to the Statute in that case provided, we have hitherto used in our Churches, Chappels, and other Oratories, to the great benefit and comfort of our soules. 1. *Eliz.*

3. Which we verily believe not to contain any thing which (with such favourable construction as of right ought to be allowed to all manner of Writings) is not justly defensible; which hath not been by learned and godly men sufficiently maintained against such exceptions as have been heretofore taken thereat; and which we are not confident, by the Assi-

ſtance of Almighty God) we ſhall be able to juſtifie (as occaſion ſhall be offered) againſt all Papiſts, and other oppugners or depravers thereof whatſoever.

4 Which is eſtabliſhed by an *Act of Parliament*, made (in peaceable times) by as good and full authority as any under heaven can have over us. Which doth ſo weigh with us, that as it freeth us from the neceſſity of giving in any particular exceptions againſt *the Directory* or any thing therein contained: ſo it layeth an inevitable neceſſity upon us of *continuing the forme of Prayer* therein enjoyned, and of not admitting any Directory or other forme to the prejudice thereof, till the ſaid Act ſhall by the like good and full authority be repealed.

In which Statute there is not only an *expreſſe Command* given to all Miniſters for the uſing of the ſame; but there are alſo *ſanctions of ſevere puniſhments* to be inflicted upon ſuch of them as ſhall refuſe ſo to doe, or ſhall Preach, declare or ſpeak any thing to the derogation or depraving of the Book of Common Prayer, or of any thing therein contained, or of any part thereof: with puniſhments alſo to be inflicted upon every other perſon whatſoever (*the Lords of the Parliament* not excepted) that ſhall in like manner declare or ſpeake againſt the ſaid Book; or ſhall by deed or threatning compell or otherwiſe procure or maintain any Miniſter to ſay open Prayer, or to miniſter any Sacrament in any other manner or forme then is mentioned in the ſaid Booke; or ſhall interrupt or hinder any Miniſter in the uſe of the ſaid formes, as by the words of the ſaid Statute more at large may appeare.

Which Statute alſo hath had ſuch an univerſall powerfull influence into the ſucceeding times, that in all ſuch * Statutes as have been ſince made againſt Popiſh Recuſants, the refuſing to *be preſent at Common Prayer, or to receive the Sacrament according to the formes and rites* mentioned in that Book, is expreſſed as the moſt proper legall character, whereby to diſtinguiſh a *Popiſh Recuſant* from a true Proteſtant. In ſo much that uſe hath been made of that very Character in ſundry Acts, ſince the begining of this preſent Parliament for the taxing of double payments upon Recuſants.

* *Stat.* 23. *Eliz.* 1; & 29. *Eliz.* 6. & 35. *Eliz.* 1. & 2. & 3. *Jac.* 4. & 5.

Thus

THus have we clearly and freely repreſented our preſent judgement concerning the ſaid Covenant, Negative Oath, and Ordinances; which upon better information in any particular, we ſhall be ready to rectify. Onely we deſire it may be conſidered, that if any one ſingle ſcruple or reaſon in any the premiſſes remain unſatisfied, (though we ſhould receive full ſatisfaction in all the reſt) the Conſcience would alſo remain ſtill unſatisfied. And in that caſe, it can neither be reaſonable for them that cannot ſatisfy us to preſſe us, nor lawfull for us that cannot be ſatisfied to ſubmit to the ſaid Covenant, Oath and Ordinances.

QUINTIL.

Quis damnaverit eum, qui duabus potentiſſimis rebus defenditur, Jure & Mente?

ROM. 14. 22.

Happy is he that condemneth not himſelfe in that which he alloweth.

WHereas in the Reaſons aforeſaid the *Oath of Supremacy*, and the *Proteſtation* are ſundry times mentioned: the tenor of the ſaid *Oath* and *Proteſtation* are here ſet downe as followeth.

The Oath of Supremacy 5. ELIZ. 1.

I A. B. *doe vtterly teſtifie and declare in my Conſcience, that the* Queens *Highneſſe is the only Supream Governour of this Realm, and of all other Her Highneſs Dominions and Countries, aſwell in all Spirituall or Eccleſiaſticall things or cauſes, as Temporall, and that no forraine Prince, Perſon, Prelate, State or Potentate, hath or ought to have any Juriſdiction, Power, Superiority Preheminence, or Authority, Eccleſiaſtical or Spiritual, within this Realm. And therefore I doe vtterly renounce and forſake all Forraine Juriſdictions, Powers, Superiorities, and Authorities, and doe promiſe that from*

henceforth

hereafter I shall beare Faith and true Allegiance to the Queenes *Highnesse, Her Heires and lawfull Successors, and to my power shall assist and defend all Jurisdictions, Priviledges, Preheminences, and Authorities, granted or belonging to the* Queenes *Highnesse, Her Heires and Successors, or united and annexed to the Imperiall Crowne of this Realme*; So help me God, and by the contents of this Booke.

The Protestation Maii 5. 1641.

I A. B. *doe in the presence of Almighty God, Promise, Vow, and Protest, to maintain and defend as farre as lawfully I may, with my life, power, and estate, the true Reformed roteſtant Religion, expressed in the Doctrine of the Church of England, against all Popery and Popish Innovations within this Realme, contrary to the same Doctrine, and according to the duty of my Allegiance, His Majesties Royall Person, Honour and Estate; as also the Power and Priviledges of Parliament; The lawfull Rights and Liberties of the Subject, and every person that maketh this Protestation in whatsoever he shall doe in the lawfull pursuance of the same. And to my power, and as farre as lawfully I may, I will oppose, and by all good waies and meanes indeavour to bring to condigne punishment, all such as shall either by Force, Practice, Counsels, Plots, Conspiracies, or otherwise, doe any thing to the contrary of any thing in this present Protestation contained. And further, that I shall in all just and Honourable waies indeavour to preserve the Union and Peace between the three Kingdomes of England, Scotland, and Ireland; And neither for hope, feare, nor other respect, shall relinquish this Promise, Vow, and Protestation.*

THE END.

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